

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
vs.)	CRIMINAL ACTION
)	NO. 05-40006-FDS
HERIBERTO RODRIGUEZ,)	
Defendant,)	
_____)	

ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION
March 30, 2005

SWARTWOOD, C.M.J.

I. Nature Of The Offense And The Government's Motion

On February 2, 2005, an Indictment was returned charging Heriberto Rodriguez ("Mr. Rodriguez"), with being a felon in possession of a firearm, in violation of 18 U.S.C. §822(g)(1).

At Mr. Rodriguez's initial appearance and arraignment in this Court on March 25, 2005, the Government moved for a detention hearing in accordance with 18 U.S.C. §§3142(f)(1)(A) (Mr. Rodriguez is charged with a crime of violence), (f)(1)(D) (Mr. Rodriguez is charged with a felony and has been convicted of two or more offenses described in paragraphs (A) through (C) of Section 3142(f)(1), or two or more state or local offenses that would have been offenses described in paragraphs (A) through (C) of such section if federal jurisdiction had existed) and (f)(2)(A) (Mr.

Rodriguez poses a risk of flight). A detention hearing was then scheduled for March 30, 2005.

On March 30, 2005, Mr. Rodriguez assented to an Order of Detention, but reserved his right to a detention hearing in the future.

II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Rodriguez be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Rodriguez be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Rodriguez is detained and confined shall deliver Mr. Rodriguez to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145 (b) .

/S/CHARLES B. SWARTWOOD, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE